IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1892 of 1999

Between:

C. Venkata Raman Murthy,

S/o. Ch. Jabukeshwara, Aged 44 years,

Occu: Security Officer, NIMS, Hyderabad,

8-1-222, Shivajinagar, Secunderabad.

..... PETITIONER

AND

1. The Mandal Revenue Officer,

   Shameerpet, Ranga Reddy District.

2. The District Revenue Officer,

   Rangal Reddy District.

   (Added R2 as per Court directions

   dated 30-04-1999)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction set aside

the order of the District Revenue Officer, Ranga Reddy District proceedings No. E5/8025/98, dated 9-11-1998 under Article 227 of the Constitution of India.

Counsel for the Petitioner : MR.CHAYANAM RAVINDRANATH, Advocate.

Counsel for the Respondent Nos. 1 & 2.: The GP FOR REVENUE

The Court made the Following:

ORAL ORDER:

This writ petition is filed seeking a writ of Mandamus to set aside the order dated 09-11-1998 passed by the District Revenue Officer, Ranga Reddy District vide proceedings E5/8025/1998.

It is the case of the petitioner that he was assigned an extent of Ac.5.00 of land in Survey No. 542, situated at Kolthur, Shameerpet Mandal of Ranga Reddy District vide proceedings dated 15-06-1992. It is stated that he is an Ex-serviceman, served in Indian Air Force. On his application, he was assigned an extent of Ac.5.00 of land and he developed the land by incurring huge expenditure and cultivating the same. While things stood thus, proceedings were initiated to cancel the assignment, on the recommendation of the Mandal Revenue Officer, Shameerpet Mandal, and a show cause notice dated 6-9-1998 was served on the petitioner. Two allegations were made in the show cause notice stating that the assignee was never in possession of the land since the date of issuance of the certificate to him and the assignee has never cultivated the land.

With reference to the above said two allegations, the petitioner filed his explanation stating that he is cultivating and developing the land. In support of his

explanation he has also furnished extracts of revenue records, cultivation certificate, land revenue receipts. Ultimately, the District Revenue Officer, Rangareddy District passed an Order dated 9-11-1998, vide proceedings No.E5/0025/98 cancelling the assignment on the ground that he is not residing at Kolthur, and he obtained “patta certificate” by misrepresenting the facts. With regard to explanation of the petitioner that he is cultivating the land and is in possession of the same is also disbelieved on the ground that he managed to get entries in revenue records and in “pahanies”, without actually cultivating the land.

It is submitted by the learned counsel appearing for the petitioner that the impugned order is passed by going beyond the scope allegations in the show cause notice, and though the petitioner has filed evidence in support of his explanation that he is cultivating the land, the said explanation is brushed aside contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971. On the other hand, it is submitted by the learned Government Pleader appearing for respondents that the petitioner had misrepresented the facts and obtained “patta certificate” on the ground that he is residing in Kolthur village. Further it is stated in the counter that the enquiry conducted by the Mandal Revenue Officer, Shameerpet Mandal, has revealed that petitioner is not in possession of the land and he never cultivated the land.

With reference to the above submissions, it is to be seen that the cancellation proceedings were initiated only on the allegation that the petitioner has not cultivated the land and is not in possession of the land which is assigned to him. In that view of the matter, it is not open for the respondents to cancel the assignment on the ground that he misrepresented the facts and obtained “patta certificate” to the effect that he is resident of Kothur village. Even with regard to the allegation that the petitioner is not cultivating the land, the petitioner filed revenue records, pahanies etc., in proof of his possession. If once entries are made in the record as per the provisions under A.P. Rights in Land and Pattadar Pass Books Act, 1971, there is an express provision regarding presumption of correctness of entries in record of rights. As per the said provision, the entries in record of rights, shall be presumed to be true until the contrary is proved or it is otherwise amended in accordance with the provisions of the Act. Inasmuch as revenue records shows that the petitioner is in possession of the land and his name is entered in the revenue records, there is no basis to disbelieve the said evidence merely recording a finding that the entries

were managed. As much as no steps were taken to amend the entries in accordance with the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, it is not open for the respondents, to brush aside the entries, which support the explanation of the petitioner. In that view of the matter, both the grounds on which the assignment was cancelled, cannot stand to legal scrutiny, to support the Order of the cancellation. In that view of the matter, the impugned Order cancelling the “patta” is liable to be set aside.

Accordingly the order dated 9-11-98 passed in proceedings No.E5/0025/98 by the District Revenue Officer, Ranga Reddy District is set aside. The writ petition is allowed as prayed for. No costs.

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ES 23-06-2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Shameerpet, Ranga Reddy District.
2. The District Revenue Officer, Rangal Reddy District.
3. 2 CCs to G.P. for Revenue, High Court Buildings, A.P. (OUT)
4. 2 CD copies